

STAND. COM. REP. NO. **2935**

Honolulu, Hawaii

MAR 19 2014

RE: H.B. No. 2139
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Public Safety, Intergovernmental and
Military Affairs, to which was referred H.B. No. 2139, H.D. 1,
entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS,"

begs leave to report as follows:

The purpose and intent of this measure is to allow an
unlimited number of members of a county council to jointly attend
informational meetings or presentations without violating the
Sunshine Law, under certain conditions.

Your Committee received testimony in support of this measure
from three individuals. Your Committee received testimony in
opposition to this measure from the Office of Information
Practices, Common Cause Hawaii, League of Women Voters, and four
individuals. Your Committee received comments on this measure
from two individuals.

Your Committee finds that as elected officials, it is the job
of county council members to find out how people in the community
feel about policy issues and to become educated on those issues.
However, under section 92-2.5(e), Hawaii Revised Statutes, if at
least a number that constitutes a quorum of county council members
attends any meetings or presentations open to the public, those
members in attendance may be in violation of the Sunshine Law.
This measure will increase communication between county council
members and their constituents, while providing public protection



against inadequate notice of discussions by county council members in which or by which people may be interested or affected.

Your Committee notes that the companion to this measure, S.B. No. 2962, S.D. 1, Regular Session of 2014 which previously passed Second Reading in the Senate, contains language creating a limited meeting where any number of county council members may attend a community group's meeting to discuss council business, provided that certain requirements are met.

Your Committee additionally finds that the language in S.B. No. 2962, S.D. 1, is preferable because it allows any number of county council members to hold limited meetings, yet still provides protection for the public.

Accordingly, your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 2962, S.D. 1, a substantively similar measure, which:

- (1) Describes the legislature's findings and the purpose of the measure in accordance with the amendments;
- (2) Allows any number of county council members to attend and hold a limited public meeting to discuss council business, as the guest of a board or community group holding its own meeting, through June 30, 2018;
- (3) Requires notice of the limited meeting to meet the requirements of section 92-7, Hawaii Revised Statutes;
- (4) Requires a board or community group that is subject to part I, chapter 92, Hawaii Revised Statutes, and holding a meeting that a county council is attending, to meet the requirements of part I, chapter 92, Hawaii Revised Statutes;
- (5) Restricts such limited meetings of a county council to no more than one per month for any one board or community group;
- (6) Requires all limited meetings to be held in the State;
- (7) Prohibits limited meetings from being held to circumvent part I, chapter 92, Hawaii Revised Statutes; and



(8) Repeals on June 30, 2018.

Your Committee further amended this measure to provide that notice of a limited meeting may include an agenda.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2139, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2139, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental and Military
Affairs,



WILL ESPERO, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* HB 2139 HD1	Committee Referral: PSM, JDL	Date: 3-11-2014		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
GALUTERIA, Brickwood				✓
GREEN, M.D., Josh	✓			
SLOM, Sam	✓	✓		
TOTAL	3	1	—	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes